



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/23/02

AGENDA ITEM 12b

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk
City Attorney

SUBJECT: Consideration of Placement of a Measure

RECOMMENDATION:

It is recommended that the City Council:

1. Approve the Ballot Title and Statement of Measure, as it will appear on the ballot (Exhibit A);
2. Approve the text of the Proposed Ordinance (Exhibit A);
3. Approve the impartial analysis prepared by the City Attorney (Exhibit A); and
4. Adopt the attached Resolution calling a City of Hayward Special Municipal Election for November 5, 2002 to be consolidated with the State General Election and requesting Alameda County Board of Supervisors to authorize the County Clerk and the Registrar of Voters to provide Election services and canvass the returns and appropriate necessary funds.

BACKGROUND:

At the July 9 Work Session, City Council discussed the Route 238 Bypass Alternative as configured by a Consensus Group established by the Alameda County Transportation Authority (ACTA). As presented, the alternative project is different than the project that was approved by the electorate as Measure L. At the work session, staff indicated this item would appear on the agenda to enable the Council to determine if a ballot measure should be placed on the November 5 election.

The deadline for calling for a Special Election is August 9, 2002.

Written Arguments For and Against

In the event that Council places the Measure on the ballot, Elections Code Section 9282 provides that the Council or any member or members or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations may file a written argument for or against the Measure. Arguments may not exceed 300 words, and shall be printed upon the same sheet of paper and mailed to each voter with the election sample ballot. Staff recommends that the filing deadline for such arguments be set for Friday, August 16, 2002 by 5:00 p.m.

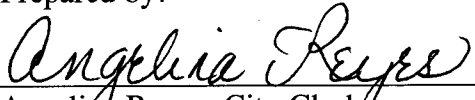
Rebuttal Arguments

The City Council may decide to authorize the submittal of rebuttal arguments in addition to the arguments for and against the Measure as permitted under State law. Staff is recommending that no rebuttals be accepted consistent with past practices.

Appropriation of Funds

The estimated cost for placing this Measure on the November election is \$37,000.

Prepared by:


Angelina Reyes, City Clerk


Michael O'Toole, City Attorney

Approved by:


Jesús Armas, City Manager

Attachments: Exhibit A
Draft Resolution

EXHIBIT A

BALLOT TITLE

AN ORDINANCE OF THE CITY OF HAYWARD AMENDING THE CITY'S GENERAL PLAN TO ENABLE THE HAYWARD CITY COUNCIL TO PURSUE IMPLEMENTATION OF A TRANSPORTATION PROJECT WHICH QUALIFIES FOR FUNDING FROM MEASURE B AND OTHER SOURCES

STATEMENT TO BE SUBMITTED TO VOTERS

Shall the General Plan of the City of Hayward be amended, as provided in the initiative, to enable the Hayward City Council to pursue implementation of a transportation project which qualifies for funding from Measure B and other sources.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE _____

In 1992, the voters of the City of Hayward adopted amendments to the Hayward General Policies Plan which require the City Council to support construction of the Route 238 (Foothill Freeway) as described in the 1987 Draft Environmental Impact Report for the Foothill Freeway. At that time it was anticipated that approximately \$70 million for funding the construction would be derived from the one-half cent increase in local sales tax established by Measure B. Litigation subsequent to Measure B has resulted in a trial court disallowing expenditures of Measure B funds for the route proposed by Measure L.

The proposed initiative would modify the City's General Plan by deleting reference to the route specified in the 1987 Draft Environmental Impact Report for the Foothill Freeway (EIR) and would require the City Council to pursue funding for implementation of transportation projects that would relieve traffic congestion in the City of Hayward from Measure B and other sources. The initiative also authorizes directs the Council to make future amendments to the City's General Plan necessary to accommodate the implementation of such traffic congestion relief projects.

If this Measure is adopted, the City Council would be allowed to amend the City's General Plan to accommodate traffic congestion relief projects, other than the route detailed in the 1987 Foothill Freeway EIR, funded by Measure B and other funding sources. If the Measure is rejected, the City's General Plan would continue to require that the City Council support construction of the Foothill Freeway as described in the 1987 Draft Environmental Impact Report.

FULL TEXT OF MEASURE

ORDINANCE NUMBER I-2002-1

AN ORDINANCE OF THE CITY OF HAYWARD AMENDING THE CITY'S
GENERAL PLAN TO ENABLE THE HAYWARD CITY COUNCIL TO PURSUE
IMPLEMENTATION OF A TRANSPORTATION PROJECT WHICH QUALIFIES
FOR FUNDING FROM MEASURE B AND OTHER SOURCES

WHEREAS, since 1962, the City of Hayward and the State of California have proposed construction of a new route to alleviate traffic congestion in downtown Hayward; and

WHEREAS, in 1992, the voters of the City of Hayward adopted Measure L which made amendments to the Hayward General Plan requiring the City Council to support construction of Route 238 (Foothill Freeway) based substantially on the design described in the 1987 Draft Environmental Impact Report for the Foothill Freeway; and

WHEREAS, Measure L anticipated that approximately \$70 million for funding the construction of the Foothill Freeway would be derived from the one-half cent increase in local sales tax established by Measure B; and

WHEREAS, litigation subsequent to the adoption of Measure L has resulted in a trial court disallowing expenditures of Measure B funds for the route proposed by Measure L.

NOW THEREFORE, the voters of the City of Hayward do, in enacting this ordinance wish to declare their continuing strong support for finding a solution for traffic congestion in the City of Hayward, ordain as follows:

That portion of the Circulation Element Strategy entitled **Measure L** currently contained on page 3-29 of the General Plan of the City of Hayward shall be amended to read as follows:

“In order to relieve traffic congestion in the City of Hayward, the City Council shall pursue funding for and implementation of transportation projects which qualify for funding from Measure B and other sources. The Council is further authorized and directed to make any modification to the General Plan required to accommodate the implementation of such projects.”

DRAFT



HAYWARD CITY COUNCIL

RESOLUTION NO. ME 02-

Introduced by Council Member

RESOLUTION CALLING FOR A SPECIAL MUNICIPAL ELECTION IN THE CITY OF HAYWARD FOR THE PURPOSE OF SUBMITTING TO THE VOTERS A MEASURE RELATING TO THE ROUTE 238 BYPASS ALTERNATIVE; SETTING FORTH THE STATEMENT OF THE MEASURE TO BE VOTED UPON; FIXING THE DATE AND MANNER OF HOLDING THE ELECTION; PROVIDING FOR NOTICE OF ELECTION; AND REQUESTING THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY TO PROVIDE FOR ELECTION SERVICES

WHEREAS, the City Council of the City of Hayward has called a Special Municipal Election to be held on November 5, 2002, for the purpose of submitting to the voters the following statement:

“SHALL THE GENERAL PLAN OF THE CITY OF HAYWARD BE AMENDED, AS PROVIDED IN THE INITIATIVE, TO ENABLE THE HAYWARD CITY COUNCIL TO PURSUE IMPLEMENTATION OF A TRANSPORTATION PROJECT WHICH QUALIFIES FOR MEASURE B FUNDS”

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward takes the following actions:

1. Orders a call for a Special Municipal Election to be held on Tuesday, November 5, 2002, for the purpose of submitting to the voters a measure concerning the Route 238 Bypass Alternative; and
2. Requests the Board of Supervisors of Alameda County to order the County Clerk and the Registrar of Voters to:
 - a. Set forth on all sample ballots that are to be mailed to the voters of the City the measure set forth in Exhibit “A,” and mail with the sample ballots copies of the arguments (if any) for and against said measures: and
 - b. Provide absent voter ballots for the Special Municipal Election therewith for use by voters of the City who are entitled thereto, in the manner provided by law.
3. The Board of Supervisors of Alameda County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of the Special Municipal Election with respect to the votes cast for the measure and to certify such canvass of the votes cast.
4. The City Clerk is hereby authorized and directed to certify the adoption of this resolution and to transmit a copy thereof so certified with the County Clerk of the County of Alameda. The City Clerk is further authorized and directed to prepare, execute, and transmit to the County all documents necessary to carry out the purposes of this resolution.

5. The City Attorney is hereby authorized and directed to prepare and transmit to the City Clerk the official ballot title, impartial analysis, and statement of the measure contained in Exhibit "A."
6. The City Council shall meet at a regular meeting to review the canvass of the returns of the Special Municipal Election and declare the results thereof.
7. Subdivision (a) of Elections Code, section 9285 shall not apply to the election herein called and there shall be no rebuttal arguments allowed.
8. Upon the passage and adoption of this resolution, the City Clerk is directed to publish a synopsis of the measure pursuant to Election Code section 12111 and Government Code section 6061.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward